

EXHIBIT M

The South Carolina Court of Appeals

Jack Brooks and Ellen Brooks, on
behalf of themselves and all others
similarly situated,

Respondents,

v.

GAF Materials Corporation,

Appellant.

The Honorable J. Mark Hayes, II
Newberry County
Trial Court Case No. 2006-CP-36-00129

ORDER

Appellant GAF Materials Corporation petitions this court for a writ of prohibition, seeking to bar the circuit court from entertaining Respondents' pending motion to alter their complaint.

In New South Life Insurance. Co. v. Lindsay, 258 S.C. 198, 199-200, 187 S.E.2d 794, 796 (1972), the supreme court said the following regarding the writ of prohibition:

With regard to the function and scope of the writ, it has been settled in this state from an early period that it will only lie to prevent an encroachment, excess, usurpation, or improper assumption of jurisdiction on the part of an inferior court or tribunal, or to prevent some great outrage upon the settled principles of law and procedure; but, if the inferior court or tribunal has jurisdiction of the person and subject-matter of the controversy, the writ will not lie to correct errors and irregularities in procedure, or to prevent an erroneous decision or an enforcement of an erroneous judgment, or even in cases of encroachment, usurpation, and abuse of judicial power or the improper assumption of jurisdiction, where an adequate and

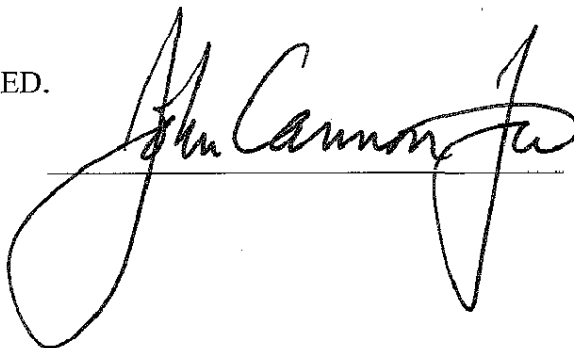
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Culbreath/Stegmaier		From	SC Ct of Appeals		
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applicable remedy by appeal, writ of error, Certiorari, or other prescribed methods of review are available.

We find that in the present case, a writ of prohibition is not warranted. Accordingly, the motion is denied.

IT IS SO ORDERED.

Columbia, South Carolina

A handwritten signature in black ink, appearing to read "John Cannon Jr.", written over a horizontal line.

cc: Gray T. Culbreath, Esquire
Christian Stegmaier, Esquire
Joel A. Mintzer, Esquire
Gibson A. Solomons, III, Esquire
Daniel A. Speights, Esquire
Thomas H. Pope, III, Esquire

FILED

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